

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSH WEBBER and)
MUDDY WATER PICTURES LLC d/b/a)
MUDDY WATER PICTURES, INC.)
Plaintiffs) Action No.
v.)
) COMPLAINT
DAMON ANTHONY DASH)
Defendant)
)

JURISDICTION

1. Jurisdiction is based on diversity of citizenship and federal question. The amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00).
2. This Court has supplemental jurisdiction over Plaintiffs' claims arising under the statutory and common law pursuant to 28 U.S.C. § 1338(b), because those claims are joined with substantial and related claims. The Court also has subject matter jurisdiction over those claims pursuant to 28 U.S.C. § 1337, because Plaintiffs' state law claims are interrelated with Plaintiffs' federal claims and arise from a common nucleus of operative facts such that the adjudication of Plaintiffs' state law claims with Plaintiffs' federal claims furthers the interest of judicial economy.

PARTIES

3. Josh Webber ("Webber") is a New York resident with an address of 188 Ludlow Street, Apt. 3C, New York, NY 10002.
4. Muddy Water Pictures LLC d/b/a Muddy Water Pictures Inc. ("Muddy") is a Mississippi entity located at 1837 East Alexander Street, Greenville, MS, 38701.

5. Damon Anthony Dash (“Dash”) is a California resident and has an address of 33 East Orange Grove, Burbank, CA 91502 and/or 8484 Wilshire Blvd, Suite 850A, Beverly Hills, CA, 90210 and/or 13547 Ventura Blvd., Ste 199, Sherman Oaks, CA 91423.

FACTS

6. In 2016, Muddy begin the shoot the film “The List” a/k/a “Dear Frank” (“film”). Exhibit A.

7. Muddy hired Webber to be a director on the film.

8. Webber is also the director of the film “Never Heard” starring, Robin Givens, Romeo Miller, David Banner, Kandi Burress, Karrueche Tran and others, which was theatrically released in 2018.

9. Muddy intended to work with Dash and give him credit for direction in return for the use of his celebrity associated with the film. Muddy and Dash were unable to reach terms associated with his involvement with the project. The parties could not reach an agreement on terms and no contract was executed.

10. Muddy utilized the property located 3624 Glenridge Drive, Sherman Oaks, CA 91423 (“property”) to shoot the film.

11. The property was owned by Sherwin Isaac Aryeh (“Aryeh”). Aryeh authorized the use of the property for the commercial purposes.

12. During principal photography, Dash was on site (his residence was the location of the shoot) but did not provide substantially material services. Dash was routinely

high/inebriated on marijuana, belligerent and aggressive towards the crew and cast. On other occasions, Dash was passed-out during principal photography.

13. Plaintiffs has video footage of Dash being high/inebriated on marijuana and laying down in lawn chairs while the production was moving forward.

14. Despite being on set (as the set was his home), Dash did not materially perform services and the directing was performed by others.

15. All the contracts with the cast and crew are signed and executed with Muddy or for the benefit of Muddy.

16. Muddy paid in excess of Two Hundred Thousand Dollars (\$200,000.00) to produce and complete the film including payments to the cast and crew.

17. Muddy paid for the production of the film (Dash paid for nothing) and registered the motion picture with the United States Copyright Office, registration number PAu003842822. Exhibit B.

18. Plaintiffs subsequently announced in a press release in September 2018 that Dash was released from his directorial duties.

https://www.bizjournals.com/prnewswire/press_releases/2018/09/24/UN15970 . Plaintiffs did not mention all of Dash's bad acts in the press release in an attempt to "soften the blow" in regards to his lack of professionalism and keep it out of the public eye. Exhibit C. At this point, the film's name was changed to "Dear Frank" from "The List" and additional edits to the film was made (adding/deleting scenes).

19. Muddy has been seeking distribution for the film since post production was completed in 2018.

20. Dash has also circulated the film to networks including Black Entertainment Television (“BET”) in California and New York, interfering with the business of the Plaintiffs and causing confusion in the marketplace as to who owns the rights to the film in 2018. Dash had no authority to screen the film for any third parties or mislead BET and others as to the ownership of the film.

21. Dash is not an owner of the copyright for the film.

22. Muddy seeks relief indicating that Dash is not an owner of the film and copyright for “The List” a/k/a “Dear Frank”.

23. In January 2019, Plaintiffs’ learned of Dash’s renewed attempts to market the film and distribute the film and circulating artwork. Exhibit D. Dash is also claiming ownership of the film.

24. On January 18, 2019, Dash posted material on Instagram (social media), alleging that he is the owner of the film and that the Plaintiffs are attempting to steal the film from him. Dash sent the writing to various media outlets including TMZ, Variety, Entertainment Tonight, E! News and others. Dash has over five hundred thousand (500,000) followers on Instagram and Dash’s post about the Plaintiffs as of January 18, 2019, had approximately eleven thousand (11,000) views. Exhibit E.

25. Dash also contacted Webber on January 18, 2019 claiming that (1) Dash owned, produced and directed the film and that (2) Webber and Muddy stole the film from him.

26. Dash's statements on Instagram on January 18, 2019 are false and he has accused Webber and Muddy of theft publicly. Dash has accused Webber and Muddy of violating the law and defamed the Plaintiffs.

27. Due to the Instagram statements of Dash, Webber has received on January 18-19, 2019 threats and comments on Webber's Instagram page from individuals believing that he "robbed" Dash of the film.

28. The statements of Dash have defamed Webber and Muddy.

COUNT I
DECLARATORY JUDGEMENT UNDER 28 U.S.C. § 2201
MUDGY AGAINST DASH

29. Muddy repeats and realleges each of the preceding paragraphs 1-28 above.

30. Muddy is the creator of the film and the rightful owner of the copyright to the film. United States Copyright Office, registration number PAu003842822.

31. Dash claims he is the owner of the film despite the fact that (1) Dash did not write the script (2) Dash did not direct the film (3) Dash did not pay the crew (4) Dash did not pay the cast.

32. A controversy exists as Dash claims he is the owner of the film.

33. Muddy seeks declaratory judgment indicating that Muddy is the sole owner of the film copyright.

COUNT II
DEFAMATION OF CHARACTER-SLANDER
WEBBER AGAINST DASH UNDER NEW YORK LAW

34. Webber repeats and realleges each of the preceding paragraphs 1-28.
35. Dash has published and stated derogatory comments about Webber indicating that Webber did not direct the film and claiming that Webber is stealing cultural works.
36. The actions of Dash have damaged the reputation of Webber and has caused for threats to be made against Webber.
37. The actions of Dash were designed to harm Webber.
38. The actions of Dash were done with malice and disregard for the truth.
39. Dash has engaged in reckless behavior and disregard for the truth.
40. Dash's actions have damaged Webber.

COUNT III
DEFAMATION OF CHARACTER-SLANDER
MUDGY AGAINST DASH UNDER MISSISSIPPI LAW

41. Plaintiffs repeats and realleges each of the preceding paragraphs 1-28.
42. Dash has published and stated derogatory comments about Muddy indicating that Muddy has stolen from him.

43. The actions of Dash have damaged the reputation of Muddy and has caused for threats to be made against Webber, the direct or Muddy's film.
44. The actions of Dash were designed to harm Muddy and hinder the Plaintiffs ability to sell, market and distribute the film.
45. The actions of Dash were done with malice and disregard for the truth.
46. Dash has engaged in reckless behavior and disregard for the truth.
47. Dash's actions have damaged Muddy.

COUNT IV
DEFAMATION OF CHARACTER-LIBEL
WEBBER AGAINST DASH UNDER NEW YORK LAW

48. Plaintiffs repeats and realleges each of the preceding paragraphs 1-28 and 34-40.
49. Dash has published and stated derogatory comments about Webber indicating that Webber has stolen from him and is a "culture vulture".
50. The actions of Dash have damaged the reputation of Webber and has caused for threats to be made against Webber.
51. The actions of Dash were designed to harm to Webber.
52. The actions of Dash were done with malice and disregard for the truth.
53. Dash has engaged in reckless behavior and disregard for the truth.

54. Dash's actions have damaged Webber.

COUNT V
DEFAMATION OF CHARACTER-LIBEL
MUDGY AGAINST DASH UNDER MISSISSPPI LAW

55. Plaintiffs repeats and realleges each of the preceding paragraphs 1-28 and 42-47.

56. Dash has published and stated derogatory comments about Muddy indicating that Muddy has stolen from him.

57. The actions of Dash have damaged the reputation of the Muddy and has caused for threats to be made against Webber.

58. The actions of Dash were designed to harm Muddy and hinder the Plaintiffs ability to sell, market and distribute the film.

59. The actions of Dash were done with malice and disregard for the truth.

60. Dash has engaged in reckless behavior and disregard for the truth.

61. Dash's actions have damaged Muddy.

COUNT VI
COPYRIGHT INFRINGEMENT
17 U.S.C. § 501, 502, 504 and 505
MUDGY AGAINST DASH

62. Muddy repeats and realleges each of the preceding paragraphs 1-33 above.

63. Muddy is the creator of the film and the rightful owner of the copyright to the film. United States Copyright Office, registration number PAu003842822.

64. Dash without the consent of Muddy, circulated the film to numerous parties including BET. Dash engaged in the unauthorized circulation of the film, in violation of Muddy's rights.

65. Dash has infringed on Muddy's exclusive rights under the United States Copyright Act.

66. Muddy seeks to (1) enjoin the activity of Dash, (2) statutory damages and (3) Attorneys fees relating to Dash's actions.

67. Dash has harmed Muddy.

WHEREFORE, The Plaintiffs demand a jury trial and the following:

1. Judgment on all counts and amount to be determined by the Court;
2. Interest;
3. Attorneys Fees;
4. Any other relief this Court deems just and equitable.

JOSH WEBBER and
MUDDY WATER PICTURES LLC d/b/a
MUDDY WATER PICTURES, INC.
By Their Attorneys,



Christopher Brown
CB3465
Brown & Rosen LLC
Attorneys At Law
100 State Street, Suite 900
Boston, MA 02109
617-728-9111 (T)
cbrown@brownrosen.com

Dated: January 22, 2019

EXHIBIT A

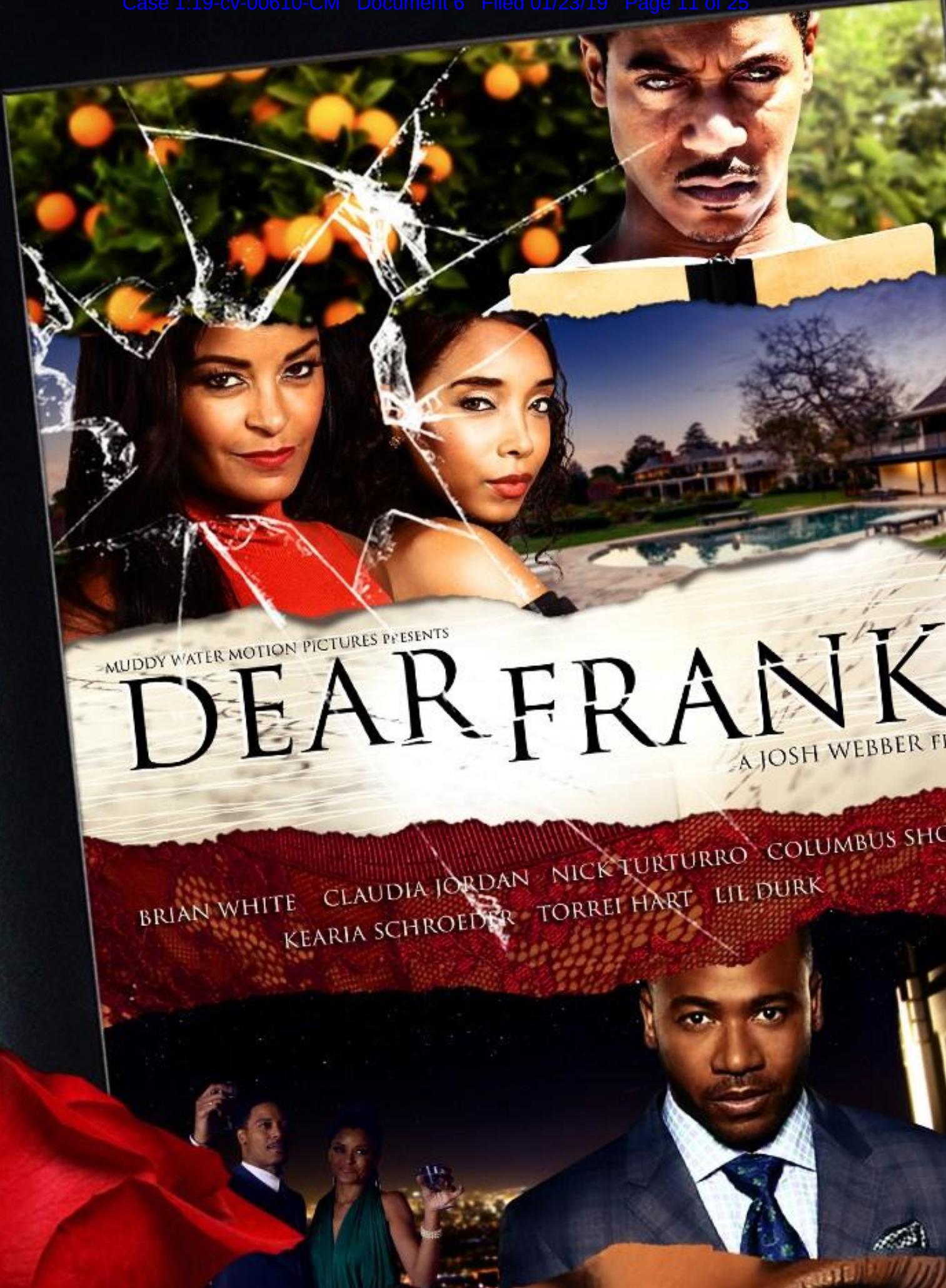


EXHIBIT B

The List.

Type of Work: Motion Picture

Registration Number / Date: PAu003842822 / 2017-03-07

Application Title: The List.

Title: The List.

Description: Electronic file (eService)

Copyright Claimant: muddy water pictures inc. Address: 1837 east alexander st, greenville, MS, 38701, United States.

Date of Creation: 2017

Authorship on Application: muddy water pictures inc, employer for hire; Domicile: United States. Authorship: entire motion picture.

Rights and Permissions: muntase A, muddy water pictures inc, 1837 east alexander st, greenville, MS, 38703, United States, (501) 258-7267, (501) 258-7267, montazz@live.com

Names: [muddy water pictures inc](#)

EXHIBIT C

[PRESS RELEASES](#)>[PR NEWSWIRE](#)

Damon Dash released as Director of new film project 'The List' by Muddy Waters Pictures Studios

Damon Dash, co-founder Roc-A-Fella Records who launched the careers of Jay-Z and Kanye West, has been officially released as Director from movie studio Muddy Waters Pictures new film project 'The List'.

Sep 24, 2018, 10:00am EDT

LOS ANGELES, Sept. 24, 2018 /PRNewswire-PRWeb/ -- Damon Dash, co-founder Roc-A-Fella Records who launched the careers of Jay-Z and Kanye West, has been officially released as Director from movie studio Muddy Waters Pictures new film project 'The List'.

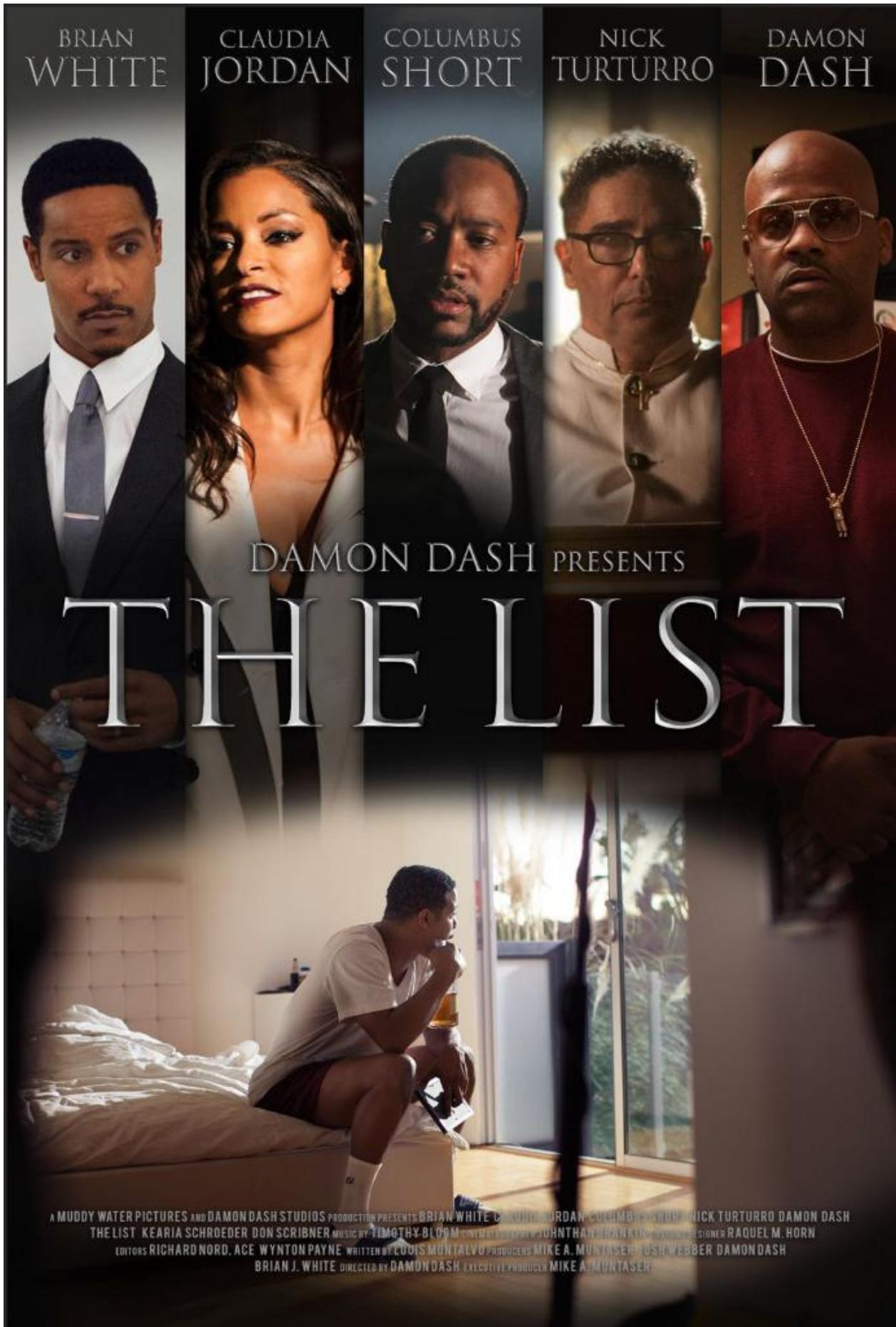
After creative differences overall with the studio, the projects executive producer Mike Muntaser and owner of Muddy Waters Pictures released Damon Dash from the film project in a paramount move to finish off the film himself.

Dash produced the movie 'The Woodsman' starring Kevin Bacon in 2004, and was involved in 'Shadowboxer', starring Cuba Gooding Jr. and Helen Mirren in 2005.

Mike Muntaser producer of 2018 A shot for Justice starring Brian White and James Russo, 2017 Secrets of Deception starring Tom Sizemore and Lorenzo Lamas, and 2016 Hunting Season and American Badboy.

The film is set to be renamed and finished with a 2019 release date starring Brian White, Claudia Jordan, Columbus Short, Torrei Hart and Nicholas Turturro.

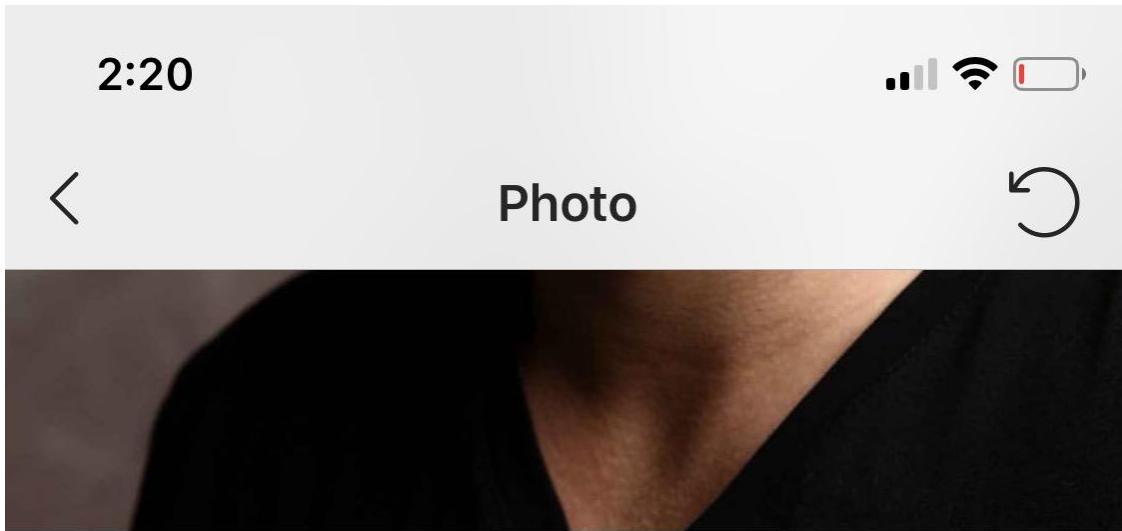
EXHIBIT D



A MUDDY WATER PICTURES AND DAMON DASH STUDIOS PRODUCTION PRESENTS BRIAN WHITE CLAUDIA JORDAN COLUMBUS SHORT NICK TURTURRO DAMON DASH
THE LIST KEARIA SCHROEDER DON SCRIBNER MUSIC BY TIMOTHY BLOOM CINEMATOGRAPHY BY JOHNTHAN BRINKERHOFF EDITOR RAQUEL M. HORN
EDITORS RICHARD NORD ACE WYNTON PAYNE WRITTEN BY LOUIS MONTALVO PRODUCERS MIKE A. MULISERI JOSH WEBER DAMON DASH
BRIAN J. WHITE DIRECTED BY DAMON DASH EXECUTIVE PRODUCER MIKE A. MULISERI

EXHIBIT E





Liked by m3rn1e_areal1 and 778 others

duskopoppington This #culturvulture @joshawebber has the nerve to think he could get away with saying he directed my work #thelist the fact that he thinks he could get away with this with me means he must have done it before... all I'm gonna do is let the world know the truth so you never try that again with any off us and the said thing is @muddfilms who claims to be one of us was gonna pay you to do it...this has to stop for our culture to move forward...you will never take the credit for my art and I know @officialcshort @brianjwhite @claudiajordan would never be a part of letting you culture vultures do that...this shit exist in all buisness music...movies...fashion...I'm sick of it and as you see it's always the same fight but they keep trying it and @tonywhiteceo keeps bringing these dudes around Hollywood to Rob everybody... but why me?...the con stops here @culturevultures_book available now this dude definitely going in part to @hip_hop_motivator we need to have a conversation ...you think I'd let a dude who thinks he's a male model just straight Rob me that's funny @variety @deadline @tmz_tv @balleralert @bet @entertainmenttonight @enews

View all 117 comments

2:21 Signal Wi-Fi Battery

Comments

 **sexxyla0728**     1d 2 likes Reply 

 **owlrmetalum** Sound like a funny motherfucker @duskopoppington just keep pushing. They never came where u came from. Actors  #wontsurvivewherewecamefrom its manifesitation hour 2222 1d 2 likes Reply 

 **c_things_differently** Our people don't stick together dame @duskopoppington you know this we be the main ones throwing one another under the bus 1d 2 likes Reply 

 **iamthedivasden** @joshawebber SO YOU A THIEF NOW PLAGIARIZING DAME DASH WORK NOT A GOOD LOOK EVEN WITH YOUR WHITE PRIVILEGED FAKE MODEL LOOKS I SMELL A LAWSUIT AND DEFAMATION OF CHARACTER CASE COOKING MAKE IT RIGHT BEFORE ITS TOO LATE OOPS TOO LATE 1d 2 likes Reply 

 **da808bears** Roast the scumbag, set the standard    1d 2 likes Reply 

2:21 Signal Wi-Fi Battery

< Comments Share

 **lifesgreat81** A guy that thinks he's a male model Heart

1d 4 likes Reply

 **deep_impak** Heart

1d 4 likes Reply

 **memoridrift** You tagged wrong person, take a break from social media, doin too much.Heart

1d 4 likes Reply

 **dominique.farmer33** Wrong josh WebberHeart

1d 5 likes Reply

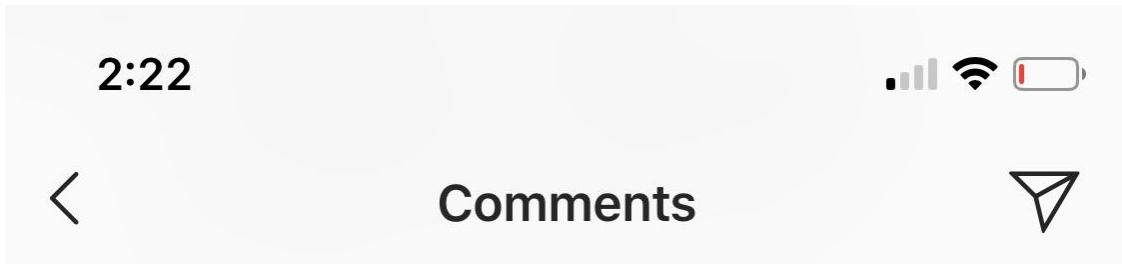
 **nookcollins** Man yall ppl better wake up he's trying to show you ppl who's out here robbing you smhHeart

19h 3 likes Reply

 **smoove_nana** @duskopoppington expose every single one of themHeart

20h 3 likes Reply

 **timahs_health_holistic_kitchen** if D... and it "E" with thHeart



amar0813 #culturevulture

15h [Reply](#)



soldbycandy #SpeakOnIt You Deserve
NOTHING BUT BLESSINGS

15h [1 like](#) [Reply](#)



weizkangz Woah

1d [Reply](#)



dinojamesone Great words of great
wisdom thank you for your brilliant
message 🔥🔥🔥🔥🔥🔥

1d [Reply](#)



e_roc_tlm Fuck this nigga where he at
dame

1d [Reply](#)



iamcasshan Lmao aye you savage but
inspire me a lot. #blessings

1d [Reply](#)



1_hoodnigga PEDOPHILE TAPE ON MY
PAGE DEAD SERIOUS WTF! 😳



10:50

duskopoppington

3,277 posts 506K followers 620 following

Dame Dash ✅

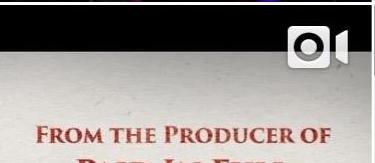
pre order my baby @ava_dash's book
@96wordsforlove #prouddad
shindig.com/login/event/dash

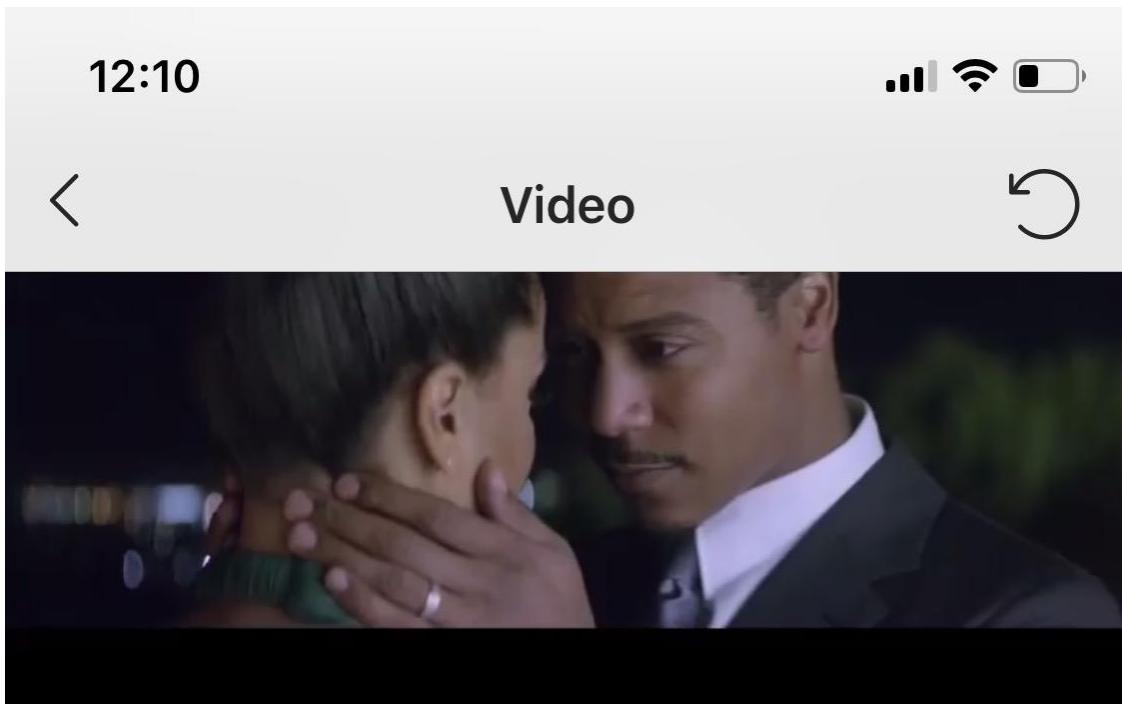
Followed by **splashout_clothz, tthboyblade, davidbannerlikespictures + 25 more**

IGTV NPF event SF-18 CULTURE V... HON







4,832 views

duskopoppington More bubblegum shit...I was going to deal with this later but I guess I'll have to deal with it now...this is the movie the list **#thelist** that I directed and produced about a year ago...

@muddfilms is pretending he owns this film and @joshawebber (pure culture vulture) is pretending he directed this movie I'm letting you know now we will be legally dealing with this and any one that touches this film before this is handled will be exposed legally as well... and I know @officialcshort @claudiajordan @brianjwhite would never ever check for anything but the truth and only the truth cause it looks like you all are gonna have to tell it...

#staytuned this dude thinks because I was kind enough to let him put up 100 grand just so he could stay in the movie after I found out @tonywhiteceo @tony4331 was lying about the budget means he owns this... **#staytuned**

#whycantwejustdohonorablebusiness @vanlathan you saw the movie... here we go again we have to do better @variety @deadline @nytimes @balleralert